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Iowa State Daily, October 2018

Iowa State Daily, 2018

10-30-2018

Iowa State Daily (October 30, 2018)

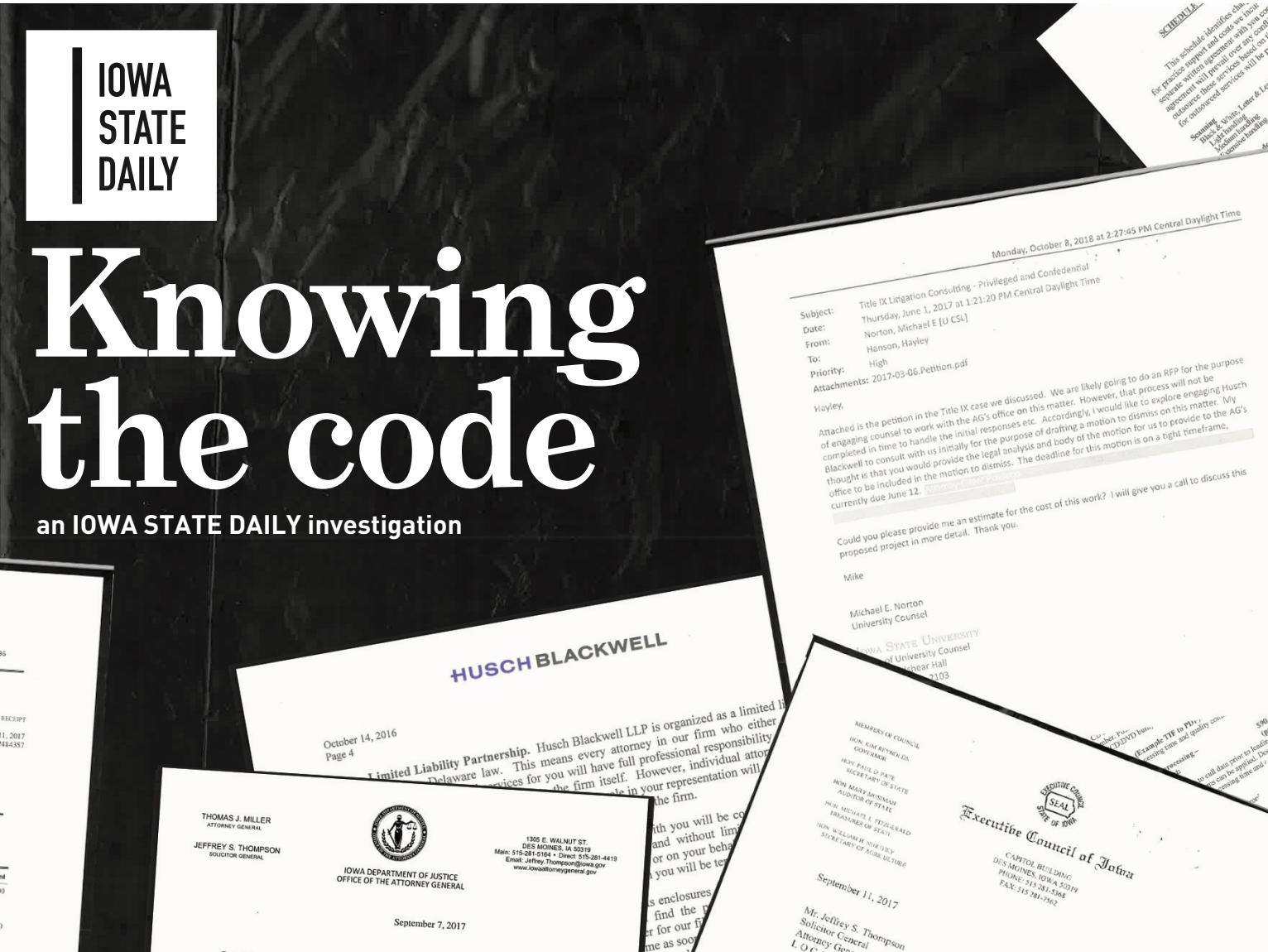
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Correspondence between Michael Norton and Husch Blackwell, and correspondence between the Attorney General's Office and the executive council.

Iowa State attorney hired special counsel before approval, records show

BY K.RAMBO
@iowastatedaily.com

Iowa State university counsel Michael Norton may have violated the law by hiring outside counsel without proper authorization, according to a legal expert.

An email on June 1, 2017, shows Norton enlisted Husch Blackwell — at which he was a partner for 12 years before starting at Iowa State as the university's top attorney — for assistance in drafting legal motions before the executive council of Iowa gave permission.

Charges from Husch Blackwell in the Taylor Niesen v. Iowa State Et Al. case began the next day — June 2, 2017.

It is a violation of Iowa Code 13.7 to hire outside attorneys without approval of the executive council of Iowa.

According to Iowa Code 13.7, compensation is not allowed to any person for services as an attorney or counselor to an executive department of the state government without approval of the



MICHAEL NORTON

TOM MILLER

executive council of Iowa. Because Iowa State is represented by the Iowa attorney general, this law applies to Iowa State's decision to hire special counsel for legal services.

The executive council of Iowa is composed of the governor, secretary of state, the state treasurer, state auditor and secretary of agriculture. It is responsible for approving special counsel, as well as approving certain real estate transactions and overseeing state employee insurance plans.

Iowa State and the attorney general did eventually receive approval from the executive council on Sept. 11, 2017, more than three months after Iowa State began being charged for legal services from Husch Blackwell.

"There's nothing wrong with filing a motion, there's nothing wrong with using outside counsel to do it, but there is a process that state law requires to go through and it's possible that they did an end-run around that legally required process," said Frank LoMonte, attorney and director of the Brechner Center for Freedom of Information and former director of the Student Press Law Center.

Norton said nothing he did violated the law, saying Iowa Code 13.7 only applies to Iowa State if the outside attorney appears in court on behalf of Iowa State, which Norton referred to as "representation."

"Representation that 13.7 is talking about is actual representation in litigation," Norton said. "Lawyers represent us in aspects other than litigation all of the time, but representing the university in litigation means that you are on the pleadings, you are appearing in court, you are the person who's representing the university in that matter."

However, the law in question never uses the words "representation" or "appearance." The law

refers to "services as an attorney or counselor" and "legal assistance."

Providing advice on specific litigation or assisting in drafting motions are considered "services as an attorney or counselor" and "legal assistance," as it pertains to Iowa Code 13.7, LoMonte said.

"The statute does not say that it is triggered by an appearance in court," LoMonte said.

What work was done, and when?

Invoices from Husch Blackwell in June and July 2017 indicate the firm accepted the offer to "provide the legal analysis and body of the motion to dismiss" as described in the June 1, 2017, email from Norton to Hayley Hanson, a partner who Norton worked with at Husch Blackwell. Norton confirmed Husch Blackwell accepted the offer and engaged in the work discussed in the email.

"They provided legal analysis that we provided to the [Iowa Attorney General's] Office that ultimately went into the motion to dismiss," Norton said.

A motion to dismiss is a motion submitted by a party in a legal matter asking a judge to dismiss a case.

"The [Attorney General's] Office wrote the motion," Norton said. "We provided, with Husch Blackwell's help, analysis that went into [the motion]. I was asking them for legal analysis that would go into the body — the main part of the motion to dismiss."

Norton said he did not know if the Attorney General's Office was aware that Husch Blackwell had assisted in providing content for the motions.

"I don't know," Norton said. "You'd have to ask [the Attorney General's Office]. I mean,

>> NORTON pg4



JORDYN DUBOIS/ ISD
David Ringholz, a finalist for the inaugural director of the Student Innovation Center spoke in Howe Hall on Monday.

Finalist speaks at Student Innovation Center Forum

BY JORDYN.DUBOIS
@iowastatedaily.com

David Ringholz, associate professor and chair of the industrial design department, is one of two finalists in the search for the director of the Student Innovation Center that is currently under construction.

Ringholz spoke at an open forum Monday afternoon to students, faculty and board members about what his visions would be for the new center.

Something Ringholz wanted to stress for himself or whoever gets the position is the importance that the center is a place for collaboration and innovation.

"Innovation is not owned by anyone, it's something that when done correctly is an ecosystem that supports the behavior and supports the activity that we want to support," Ringholz said.

Ringholz's central idea for the Center is to bring all people to the table and have them share their ideas in a space where they feel protected and supported.

"Unite people around exciting ideas, protect them, and connect them to the outside world," Ringholz said.

Since joining the faculty at Iowa State, Ringholz has established the industrial design program in the college of design.

"One of the things I try to do is put people in area of strength, put them in a position where they can thrive, and then lift them up," Ringholz said. "I think if the people around me are successful then I am successful and that's an attribution that I can bring to an administration position."

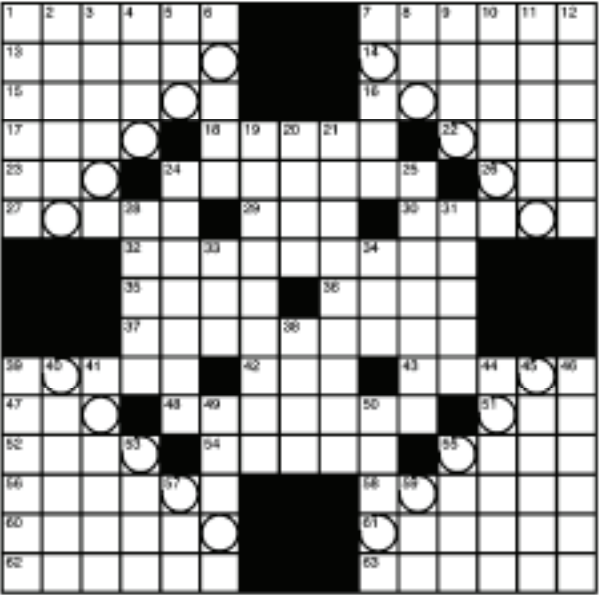


Ames • Story City

DID YOU DQ TODAY?



Crossword



- Across
1. Lab shelfful

7. Many a chalet

13. Nielsen of “Airplane!”

14. Purple Label designer

15. Open, as a fern frond

16. Relieving

17. Olfactory detection

18. Rumor starter

22. Spanish pronoun

23. Vintage auto

24. Ballerina’s asset

26. Dress nattily, with “up”

27. Wrinkle-resistant synthetic

29. Alternative to gravel, perhaps

30. Humiliate

32. With 37-Across, what the

- circled words (shown in the appropriate direction) are capable of doing

35. Poker variety

36. Golfer Isao

37. See 32-Across

39. Part of a process

42. “Bartender, make ___ double!”

43. Tie the knot on the sly

47. LBJ’s antipoverty agcy.

48. Sierra ___

51. “Papa-___-Mow-Mow”: 1962 novelty hit

52. Suffix with school

54. Former “The View” co-host

55. Conglomeration

56. ’30s-’50s British Labour Party leader

58. 25-Down div.

60. One on a ladder, to a kitten up a tree

61. Property recipient, in law

62. Join up

63. Garden sides

- Down
1. Prefix with scope

2. Shark, maybe

3. Comparable to a cucumber

4. Hurtful remark

5. Cocktail with cassis

6. Baseball commissioner under whom interleague play became a reality

7. Wake-up call, say

8. Pilot-licensing org.

9. Red herring

10. ___ Nashville: country record label

11. “Stay Fresh” candy

12. Mesh, as gears

19. Tee off

20. Joie de vivre

21. Carrier with a Maple Leaf Lounge

24. “Here’s what happened next ...”

25. Ones getting lots of Bronx cheers

28. Hops driers

31. Speakeasy employee

33. Saturn

34. Physics class topic

38. Bryce Canyon state

39. Cider press leftovers

40. Patricia of “Everybody Loves Raymond”

41. Of a blood line

44. “Va-va-voom!”

45. Self-assured

46. Gushes on a set

49. His last blog post ended, “I’ll see you at the movies”

50. Most Iraqis

53. Mid-11th century year

55. Eye, at the Louvre

57. Some RPI alums

59. Mike Trout’s team, on scoreboards

POLICE BLOTTER

10.27.18

Harlin Eugene Kissinger, age 21, of 263 Campus Ave, Ames, Iowa, was arrested and charged with public intoxication at 2519 Chamberlain St (reported at 12:31 a.m.).

An officer assisted an individual who was experiencing medical difficulties. The person was transported to a medical facility for treatment.

Finn Piatscheck, age 31, of 243 S Franklin Ave, Ames, Iowa, was arrested and charged with operating while intoxicated and fail to yield upon left turn. Lincoln Way and Hyland Ave (reported at 1:42 a.m.).

Kevin G Pritt, age 18, of 2152 Lincoln Way, Ames, Iowa, was cited for possession of alcohol under the legal age (reported at 8:04 a.m.).

Ryan Christopher Lia, age 20, of 304 Lynn Ave Unit 9, Ames, Iowa, was cited for possession of alcohol under the legal age at 1732-2 S 4th St (reported at 9:18 a.m.).

Benjamin Grant Reuter, age 19, of 2161 Hawthorn Court Dr

Unit 1125, Ames, Iowa, was cited for possession of alcohol under the legal age at 1732-2 S 4th St (reported at 9:17 a.m.).

Zachary Charles Lehmann, age 19, of 2161 Hawthorn Court Dr Unit 1125, Ames, Iowa, was cited for possession of alcohol under the legal age.

Alexis Ann Marshalek, age 20, of 11405 42nd Ave N, Plymouth, Minn., was cited for possession of alcohol under the legal age (reported at 9:30 a.m.).

Julia Marie Fox, age 20, of 107 Campus Ave, Ames, Iowa, was cited for possession of alcohol under the legal age.

Chloe Logan Frazier, age 18, of 135 Beyer Ct Unit 1469, Ames, Iowa, was cited for possession of alcohol under the legal age (reported at 9:35 a.m.).

Bryce Thomas Trpkosh, age 18, of 212 Beyer Ct Unit 2271 -Ames, IA, was cited for possession of alcohol under the legal age.

Kaylee M Ward, age 19, of 135 Beyer Ct Unit 1456 - Ames, IA, was cited for possession of alcohol under the legal age.

Sudoku

by the Mephram Group

	7	2						
1	8		5				4	3
				7				
	5	3	9			2	1	
	1	7			6	5	8	
				5				
5	2				1		9	7
				8		4	5	

LEVEL:

- 1

2

3

4

Complete the grid so each row, column and 3-by-3 box (in bold borders) contains every digit, 1 to 9. For strategies on how to solve Sudoku, visit www.sudoku.org.uk

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DISABILITY WEEK CALENDAR

This week is Disability Week at Iowa State. From Monday to Friday, students, staff and community members can learn about different disabilities and spread awareness.

“Disability Awareness Week is a series of events aimed at educating the Iowa State University community about the wide variety of disabilities, bringing awareness to the barriers faced by many of these individuals and advocating for a more accessible ISU,” according to the Iowa State Student Accessibility Services.

Oct. 29 to Nov. 2

Interactive Art Exhibit

In the Lobby of Parks Library. An opportunity to add your story to an interactive art exhibit

Monday, Oct. 29

Disability Awareness Week Kickoff!

10:45 a.m. to 1:15 p.m. in the Free Speech Zone. Swing by for goodies, information, and engaging discussions!

What About Graduate and Professional Students with Medical Conditions/Disabilities? Information Session with Student Panel.

5 to 6 p.m. in the Cardinal Room of the Memorial Union. This session will include a presentation on what accommodations and services are available for graduate and professional students as well as a student panel of graduate and professional students with disabilities to talk about their experiences as people with disabilities on this campus.

Tuesday, Oct. 30

Beyond Accommodations: An introduction to Disability Studies

12:10. to 1 p.m. in the Gallery Room of the Memorial Union. A presentation on what accommodations and services are available for graduate and professional students as well as a student panel of graduate and professional students with disabili-

ties to talk about their experiences as people with disabilities on this campus.

Alliance for Disability Awareness (ADA) Ice Cream Social

5 to 6 p.m. in the Lobby of the Student Services Building. Daniel Van Sant, a staff advocate at Disability Rights Iowa, will discuss disability as an identity and ableism as a form of oppression.

Thursday, Nov. 1

“How Do We Navigate This?”The Complex Situation of Implementing Accommodations for Students with Disabilities - A Panel for Students and Instructors

12:30 to 1:30 p.m. in the Cardinal Room of the Memorial Union. “For both students and faculty, navigating accommodations for students with disabilities can be stressful, but important. Come to this interactive panel to learn about best practices, things to avoid, and appropriate language from both the faculty and student viewpoint. Co-sponsored by Student Accessibility Services and the Alliance for Disability Awareness,” according to the Iowa State Student Accessibility Services.

Friday, Nov. 2

Step into My World

10:45 a.m. to 2:15 p.m. in the Lobby of Parks Library. Experience using a mobility assistance device.

CORRECTIONS

The Iowa State Daily welcomes comments and suggestions or complaints about errors that warrant correction. To submit a correction, please contact our editor at 515-294-5688 or via email at editor@iowastatedaily.com.

IOWA STATE DAILY

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StuGov gathers concern on Trademark from student orgs

BY MADELYN.OSTENDORF
@iowastatedaily.com

Student Government has turned to the student body to gather questions and concerns about the new trademark policy.

Senator Noah Heasley has contacted student organizations across campus to hear their stance on the trademark issue as well as the problems they have experienced because of the change.

Heasley is gathering information from these student organizations to utilize in future

conversations with the Trademark Office as well as seeing the issues students are having and what more Student Government can do to help.

Many student organizations have had to change their names, their logos and their apparel because they violated the new trademark policy that Iowa State has implemented.

Heasley said students were given a short window of time to comply with the new regulations, and the suddenness of the change has left some organizations behind. Organizations have had issues with their rebranding and their recognizability at national and regional

competitions.

Student Government is not the only campus entity that is fighting against the implementation of the new trademark policy; the organizations themselves are also joining the conversation.

Adam Jenke, the president of Ames Collegiate Chess Club, has reached out to the leaders of student organizations to invite them to have a conversation about how this policy has affected them, whether directly or indirectly.

“Even those of us whose lead student orgs that did not use any Iowa State marks are

affected by this policy,” Jenke said in an email to the student organizations. “For by taking away our ability to use ISU Trademarks the administration implies, intentionally or not, that our student orgs are simply not responsible enough to represent Iowa State properly.”

Jenke has organized an informal meeting for leaders of student organizations to establish a common goal and be able to show the administration that the student organizations back the efforts of Student Government.

This informal meeting will take place from 8 to 9 p.m. Thursday in 305 Carver.

Sophomore takes fifth in power lifting

BY ADOLFO.ESPITIA
@iowastatedaily.com

Among the more than 1,000 qualifiers for the USA National Raw Powerlifting Competition two weeks ago was powerlifter Connor Thelemann, a sophomore in kinesiology.

The competition, which was Thelemann's fourth, was held in Spokane, Washington from Oct. 11 to 14. There, Thelemann earned a top five spot for his division.

Training three hours a day for four days a week, Thelemann took advantage of the Iowa State weight club's training room to prepare for competition.

With the assistance of other members and his coach, Thelemann vastly improved within a year. Despite an unexpected injury a week before competition, Thelemann managed to squat 507 pounds, bench press 367.7 pounds and deadlift 551.1 pounds, landing him in the top five for his division.

Thelemann began powerlifting when his sister's boyfriend introduced him to the sport back in high school.

Joining a gym dedicated to powerlifting near his hometown, Thelemann knew he had a long journey ahead of him. Thelemann said he began squatting only 300 pounds, benching 200 pounds and deadlifting 400 pounds. When he came to Iowa State, he found and immediately joined the weight club to continue powerlifting.

Located in the basement of Beyer



COURTESY OF CONNOR THELEMANN

Connor Thelemann, sophomore in kinesiology, earned a top five spot in his division at the USA National Raw Powerlifting Competition in Spokane, Washington.

Hall, the weight club contains equipment specifically for strength sports, such as powerlifting.

President of the weight club and senior in kinesiology, Austin Aiello, said that the weight club also provides a unique environment for serious lifters.

“The weight club can have a much more excited and loud environment that a lot of people like,” Aiello said.

After joining, Thelemann wanted to get as strong as he could and succeed in lifting. Through the weight club, Thelemann met other serious lifters and his current coach.

Thelemann said he received lots

of support through the weight club, with other members giving him advice along the way.

“You have to accept the fact that you don't know everything,” Thelemann said. “You have to seek out advice from people who are at a higher level than you in terms of experience and in terms of strength and general knowledge about the sport.”

With a hunger for success, Thelemann had to sacrifice his social life for optimal growth.

Weston Hirschauer, Thelemann's coach and Iowa State alum, said Thelemann was among the most

motivated lifters he had worked with.

“He went above and beyond what I would ask him to do in terms of making sure he was taking care of himself, not only inside the gym but outside the gym,” Hirschauer said.

Thelemann had to follow a balanced diet, spending an average of \$50 to \$60 a week. Diets vary with each powerlifter's individual goals, for Thelemann, he had to have a surplus of calories to add muscle and weight.

Thelemann said he had to eat roughly 3,500 calories a day to see desired growth.

Thelemann's training and progress was going seemingly well, until

he experienced an unexpected back injury before competition.

Powerlifters are more prone to injury, due to the immense stress and repetitive movements, Thelemann said. After competing in three competitions and training intensely within a year, Thelemann's body ached.

What started off as an irritation, slowly ballooned to a sharp pain in his lower back.

Unable to practice before the competition, Thelemann questioned whether he would be able to compete.

After consulting with Hirschauer and resting prior to the competition, Thelemann was determined to compete. Bringing his father, Thelemann knew he had a strong support system.

With the support of his family, close friends and coach, Thelemann decided to compete, lowering his weights to avoid further injury. With a rush of adrenaline, Thelemann earned a top five spot for his division.

“I couldn't put up the best total that I was capable of,” Thelemann said. “It was more about getting through the adversity of the injury, handling the meet by myself and calling the right plays.”

What's in store for Thelemann? Thelemann said that getting back to his social life and school is most important. After a break from working out, Thelemann said he is excited to get back into the gym, cutting his usual work outs by an hour or two.

“It's a huge weight off my shoulders,” Thelemann said. “It's nice to make different plans, it feels good to have a little break.”

Hub renovations delayed until spring semester

BY DEVYN.LEESON
@iowastatedaily.com

The Hub, a popular location on campus for students to eat, drink and study, won't have its renovations finished until the start of the spring semester.

Iowa State Facilities Planning and Management hoped the Hub could reopen its venue after Thanksgiving, but unexpected conditions extended the construction project by two months.

“This particular project is a renovation, it is a gut and replace kind of project,” said Scott Ayers, director of capital projects for FPM. “Anytime you have a renovation project of a building like this — a building that is more than 100 years old — and you gut it, you can run into unforeseen conditions. In this case the blueprints did not [exactly] match the layout of the building.”

During the demolition process and before piping could

be put in the building, contractors found the concrete floor was 12 inches in depth instead of the expected four inches. Ayers said unforeseen conditions like these can lead to changes in the necessary equipment and even changes to the design plans, which extends the time needed to complete the project.

Delays in projects can be normal, Ayers said.

“Many, if not most, renovation projects encounter unforeseen conditions that may cause a delay from a contractor's initial schedule estimate,” Ayers said. “Many contractors include a little extra time in their estimates to cover these and then hope their estimates are accurate. It's when the unforeseen issues exceed their estimates that a project's final completion date can be delayed.”

While the Hub is just one of the many buildings on campus that are more than 100 years old, Jennie Elliott, project manager for the Hub reconstruction, said other buildings and projects on campus in need of similar renovations won't

be pushed back due to the Hub.

“These aren't the same funds that are used in other projects and maintenance services, as this is a project from ISU dining, and they are the ones paying for it,” Elliott said.

Despite being popular among students on campus, Elliott, Ayers and ISU dining director Mohamed Ali said they haven't heard complaints, as the two month delay won't have a large impact on students.

“The delay consists of a couple weeks, Thanksgiving break, dead week and finals week,” Ali said.

Instead, Ali said students are excited about the project because The Hub will have more options with the Kansas City-based coffee shop, The Roasterie Cafe.

“The experience will be different, it will be an amazing experience,” Ali said. “It will have cold brewed coffee, homemade gelato, all types of drinks and new food options. They are not even the same level to be honest ... I can not overemphasize how different this will be.”



>> NORTON Pg1

they knew that we were providing research to them.”

A representative with the Attorney General’s Office declined to comment about the office’s knowledge of Husch Blackwell’s involvement before the Sept. 11, 2017, approval.

“It was the combined effort of the team, which included Husch Blackwell, [university counsel] and the [Attorney General’s] Office,” Norton said but added he was unsure of how much work his department did versus how much work Husch Blackwell did.

Norton told the Daily in February 2018 that the listing of the charges as related to the case on Husch Blackwell’s invoices were what the firm chose to list them as, but not necessarily for services performed on the case.

“I don’t dictate how they designate what [Husch Blackwell is] going to put on the bill in terms of how they determine their [subject]

IMPORTANT DATES

- **June 2016:** Norton leaves Husch Blackwell
- **July 11, 2016:** Norton begins as Iowa State’s university counsel
- **Sept. 16, 2016:** Husch Blackwell begins charging Iowa State for training and contracts
- **Oct. 16, 2016:** Agreement is received from Husch Blackwell detailing FLSA/Title IX training and contract work
- **March 6, 2017:** Taylor Niesen files lawsuit against Iowa State alleging Title IX violations
- **June 1, 2017:** Michael Norton emails Hayley Hanson of Husch Blackwell asking Husch Blackwell to “provid[e] legal analysis and body of the motion [to dismiss].”
- **June 2, 2017:** Husch Blackwell begins charging Iowa State in Niesen v. ISU case
- **June 14, 2017:** Charges from Husch Blackwell in case temporarily stop
- **June 19, 2017:** Attorney General Tom Miller and Assistant Attorney General William R. Pearson submit motion to dismiss that Husch Blackwell provided work for
- **July 3, 2017:** Niesen files response to motion to dismiss
- **July 4, 2017:** Charges from Husch Blackwell in case begin again
- **July 10, 2017:** Charges from Husch Blackwell in case temporarily stop again
- **July 10, 2017:** Miller and Pearson file reply brief that Husch Blackwell worked on
- **June 23, 2017:** Iowa State issues request for proposal/quote for Title IX litigation
- **Sept. 11, 2017:** Approval is given by Iowa executive council for Husch Blackwell to provide Iowa State with “advice and representation, with respect to Title IX litigation and compliance matters.”

matter, but the questions that we had of them were far broader than just the Niesen case,” Norton said when asked about the invoices.

Norton was asked in the February interview if Husch Blackwell was providing consultation specifically on the Niesen v. Iowa State case and receiving payment before their appearance was entered in court.

“They were consulting [with] us on Title IX issues, which had implications to the campus in general, as well as to issues that were raised in the Niesen case,” Norton said.

Norton did not disclose at the time that Husch Blackwell had provided services specifically for legal strategy and assistance in drafting motions prior to approval being given by the executive council.

“We only need approval if they’re representing us in litigation,” Norton said. “They were not representing us in the litigation at that time. They were just providing consulting services on Title IX issues like the training, [and] other issues related to how we handle our Title IX obligations.”

Norton was asked on Oct. 24, 2018, if providing legal analysis and body of a motion were consistent with his prior characterization of the work Husch Blackwell had performed before approval from the executive council was given.

“Absolutely, it’s core consulting services,” Norton said.

Norton was asked if the email and corresponding charges were not related to broader topics but were in fact specifically pertaining to the Niesen case.

“No, not really,” Norton said. “I mean, it was issues that were targeted toward Niesen at this time, but also similar issues that we’ve used in other cases that we’ve used to analyze how we respond to cases that we had after that.”

Norton said the information provided by Husch Blackwell was for general Title IX law information and the university’s obligations under Title IX because of the allegations that ended up being used in the motion.

Norton was then asked if Husch Blackwell provided university counsel with specific legal analysis particularly for the Niesen case.

“That’s true,” Norton said.

Norton said the services Husch Blackwell provided before the Sept. 11, 2017 approval would have been covered under a previous contract to provide trainings and assistance with contracts.

“We are being retained to present FLSA [Fair Labor Standards Act] Training, Title IX Training and to assist with contracts,” the December 2016 document from Husch Blackwell reads. “In the event that we are asked

to provide additional services, we will confirm such engagement in writing.”

Norton said the services were not confirmed in writing because they fell under the previous contract.

“I think the most natural and logical reading of the email is that they are asking the firm for something more than its previous consulting and to actually give substantive assistance with the drafting of a hurry-up motion,” LoMonte said.

What was spent and where did it come from?

Redactions in the invoices made by Iowa State university counsel do not allow the Daily to confirm exactly what services were rendered. A total of \$8,907 for 31.4 hours of work were charged to Iowa State by Husch Blackwell between June 2, 2017, and June 14, 2017, and listed by Husch Blackwell as pertaining to “Niesen v. Iowa State University.”

Norton said some of the charges were from the work he requested in the email, but he was unaware if all of the charges were.

“Thirty billable hours would be within the range of what you might expect to draft a motion,” LoMonte said. “That’s certainly not inconsistent with performing the service of drafting all, or part, of a motion.”

Subject: Title IX Litigation Consulting - Privileged and Confidential

Date: Thursday, June 1, 2017 at 1:21:20 PM Central Daylight Time

From: Norton, Michael E [U CSL]

To: Hanson, Hayley

Priority: High

Attachments: 2017-03-06.Petition.pdf

Hayley,

Attached is the petition in the Title IX case we discussed. We are likely going to do an RFP for the purpose of engaging counsel to work with the AG’s office on this matter. However, that process will not be completed in time to handle the initial responses etc. Accordingly, I would like to explore engaging Husch Blackwell to consult with us initially for the purpose of drafting a motion to dismiss on this matter. My thought is that you would provide the legal analysis and body of the motion for us to provide to the AG’s office to be included in the motion to dismiss. The deadline for this motion is on a tight timeframe, currently due June 12. [Attorney-Client Privilege](#)

Could you please provide me an estimate for the cost of this work? I will give you a call to discuss this proposed project in more detail. Thank you.

Mike

Michael E. Norton
University Counsel

IOWA STATE UNIVERSITY
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515-294-5352
mnorton@iastate.edu

The motion to dismiss that Norton asked Husch Blackwell to provide “legal analysis and body [of the motion]” was submitted to the court by Iowa Attorney General Tom Miller and William R. Pearson, assistant attorney general, on June 19, 2017.

“The motion didn’t draft itself, somebody put work into it, and I guess that would be the question,” LoMonte said. “The public is very much entitled to know: What did they pay for [with] 30 hours of attorney time if it was not for preparing a motion?”

Payments made to Husch Blackwell come from Iowa State’s general university budget, which was composed of 59.8 percent tuition in 2016, the most recent year available.

Charges listed by Husch Blackwell for Niesen v. Iowa State University Et Al. began again on July 4, 2017, the day after Niesen filed a response to the motion to dismiss. The charges in July stop on July 10, the day Miller and Pearson filed a reply brief to the motion to dismiss. A total of \$4,522.50 was charged for 16 hours of work in that time.

Norton confirmed Husch Blackwell had engaged in similar work in that time period.

“I’m sure I sent them the response [from Niesen] and asked them to provide the same type of analysis that would ultimately go in to the [Attorney General’s] Office and end up in the reply brief,” Norton said.

Invoices show \$13,673 accrued from Husch Blackwell in the Niesen case between June 2, 2017 and Sept. 11, 2017.

Iowa Code 13.7 does not contain the word “representation” at any point in the text. When Norton was provided with the language of the law and asked to indicate where in the law he believed it indicated approval was not needed until an outside law firm appears in court on behalf of Iowa State, he refused to do so and referred the Daily to a past statement he made.

“It is not infrequent that a person might hire counsel to try and negotiate a resolution to a case and the case gets settled and the counsel performs quite a lot of legal service but never files a motion in court, that’s quite common,” LoMonte said, adding that when the counsel is performing a service, it is still regarded as representation.

This would mean that when Husch Blackwell began providing information to be included in motions and legal strategy, it would be considered representation, LoMonte said.

“The moment that somebody picks up the phone and says ‘I want you as my attorney to help resolve this claim,’ and I agree to take it, we have entered into representation,” LoMonte said. “I think most people in the profession say the representation starts when I shake hands with the client and say ‘I will take your case.’ It doesn’t start when I make the first filing in court because I may never make a filing in court.”

Response from Iowa Attorney General

When asked on Oct. 16, 2018, if Husch Blackwell had helped write motions before approval was given, Lynn Hicks, director of communications for the Iowa Attorney

General’s Office, said the office would comment no further on the matter.

“ISU is our client, so it’s not proper for us to comment on this email or the hiring of outside counsel,” Hicks said in an email to the Daily.

On two separate occasions prior to being shown the email between Norton and Hayley Hanson, Hicks had been willing to provide comment on the hiring of outside counsel.

Hicks told the Daily on Oct. 9, 2018, that Husch Blackwell was qualified and suitable to represent Iowa State and that Norton’s past employment at the law firm had no bearing on if the firm was qualified or suitable.

Hicks provided comment June 5, 2018, that Jeffrey Thompson, solicitor general, felt there was no potential conflict of interest. Hicks said on June 6, 2018, that he did not know if Norton’s employment history had been disclosed to the executive council.

Old connections, new relationship

Former Iowa State President Steven Leath hired Norton as Iowa State’s university counsel beginning July 11, 2016. Iowa State began being charged for services from Husch Blackwell on Sept. 16, 2016.

On Oct. 12, 2016, the law firm still had yet to be registered as a vendor for Iowa State, according to emails obtained by the Iowa State Daily between Stacy Sassman of Iowa State procurement services and Hanson.

John McCarroll, executive director of university relations, said he worked with Sassman to answer questions from the Daily on June 6, 2018. McCarroll said Iowa State contracted Husch Blackwell for the first time on Sept. 30, 2016, for Fair Labor Standards Act [FLSA] training, though the earliest charges from Husch Blackwell listed on invoices are dated Sept. 16, 2016.

Iowa State hired Husch Blackwell for “FLSA Training, Title IX Training and to assist with contracts,” according to a contract from Husch Blackwell obtained via public records request. The contract, dated Oct. 14, 2016, and received Oct. 16, detailed the nature of the agreement and made it official.

Norton had previously worked with Derek Teeter and Hanson, partners at Husch Blackwell, as co-counsel when he was a partner at the firm. Hanson and Teeter have been among the attorneys to represent Iowa State. LoMonte said this is all the more reason to make sure the processes in 13.7 were followed.

“The fact that it’s his former firm and that he has some professional ties to the people still there would counsel in favor of being over-compliant with state law,” LoMonte said.

“You would want to go overboard to make absolutely sure that you were careful about not giving the appearance of funneling any business to your buddies,” LoMonte said. “It’s especially concerning because that seems to be the exact situation for which the law was designed.”

NORTON’S STATEMENT (FEB. 15, 2018)

“Iowa Code Section 13.7 (“Special Counsel”) is limited in its application to the hiring of outside counsel to “represent” the Board of Regents (and the individual Regent institutions) “in pending actions or proceedings.” Section 13.7 does not apply to attorney or counselor services that do not involve representing the Board/institutions in a pending action or proceeding.

The services of Husch Blackwell are consistent within these provisions. Husch Blackwell was first hired through Office of University Counsel and general university procurement policies to provide legal consulting services on a variety of issues including some employee benefit issues and training, policy development, and general Title IX legal advice. The Title IX consulting was related to, but broader than, the issues raised in both the Maher lawsuit and the Niesen lawsuit. At that time Husch Blackwell was not representing the university in either of those cases and was not representing the university in any pending action or proceeding.

In June 2017, based on discussions with the Attorney General’s office and Interim President (Ben) Allen, it was determined that outside counsel would be hired to represent the university, along with the Attorney General’s office, in Title IX litigation. Pursuant to university procurement policy a request for proposal was issued outlining the university’s need and the selection criteria for selecting counsel. Four firms submitted responses to the request. A panel of administrators was selected to review the candidates. This panel also included a representative from the Attorney General’s office. Two firms were brought to campus for interviews and Husch Blackwell was ultimately selected by the panel to work with the Attorney General’s office to represent the university in Title IX litigation, including the Niesen and Maher Matters. At that point, executive counsel approval was obtained and Husch Blackwell began representing the university in Title IX actions and proceedings, including Niesen and Maher.”

ATTORNEY GENERAL, §13.7

13.7 Special counsel.

1. Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head of an executive department of state government, or to a state board or commission. However, the executive council may authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service. The reasons and action of the council shall be entered upon its records. If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person

recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This subsection does not affect the general counsel for the utilities board of the department of commerce, the legal counsel of the department of workforce development, or the general counsel for the property assessment appeal board.

2. The executive branch and the attorney general shall also comply with chapter 23B when retaining legal counsel on a contingency fee basis under this section, as appropriate.

[§13, §208-b; C24, 27, 31, 35, 39, §152; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.7;

81 Acts, ch 22, §1]

83 Acts, ch 127, §1; 96 Acts, ch 1186, §23; 2005 Acts, ch 150, §120; 2011 Acts, ch 131, §20,

158; 2012 Acts, ch 1112, §1

For future repeal, effective July 1, 2018, of 2005 amendments to this section and subsequent amendments relating to the property assessment appeal board, see 2005 Acts, ch 150, §134; 2013 Acts, ch 123, §62, 64, 68



LETTER

Use your vote to spark change in your community

BY RUSS VER PLOEG
rvp@verploegarch.com

Dear millennials and other young voters,

I hope that you're paying attention to politics now because your opportunities to fix what us baby boomers will likely leave you are running out. Many of us boomers will be gone when you'll be dealing with Climate Change, a shrunken middle class, corporate welfare, the national debt (that has increased 9% during the Trump administration alone), diminished or non-existent social security benefits, the unrestrained military industrial complex, inadequate and overpriced health care, student debt, voter suppression, Citizen's United and its associated Dark Money, etc.

These November elections will affect you far more than they'll affect us boomers and you shouldn't rely on us to protect your futures.

We've already demonstrated how short sighted most of us are. Elections are your best and because of Dark Money, increasingly your only way to influence policy.

You'll find that politicians, once they are elected, listen more to their sources of money than to the average voter. Your demographic is perhaps the least represented by government and yet maybe the one with the greatest potential to have an effect on it.

So please, pursue unbiased information, vote and tell your peers why they should also.

GUEST COLUMN

Take a stronger stance on China

BY CHUCK GRASSLEY
U.S. Senator R-Iowa

The relationship between the United States and China has been called the most important bilateral relationship of the 21st century. I couldn't agree more. It's also the most complicated.

Trade, economic development and technological innovation are just a few of the issues currently putting pressure on relations between our two nations.

As the United States attempts to navigate the challenging dynamics at play, it's critical to approach these issues from a position of strength.

China is the United States' largest trade partner, accounting for more than 15 percent of all American exports. Last year, trade of American goods and services with China totaled an estimated \$710 billion. Of that \$710 billion, America exported roughly \$187 billion compared to the approximately \$522 billion of Chinese imports. That's about a 3-1 import to export ratio.

As Iowa's senior senator and a family farmer, I'm particularly concerned about agricultural trade. Total U.S. agricultural exports to China in 2017 totaled \$20 billion. Agricultural products form the backbone of Iowa's economy. The same is true for many Midwestern states. China is the largest consumer of U.S. soybeans, buying nearly 60 percent of Iowa's soybean exports. Corn, pork and pork products are also significant American exports to China.

Uncertainty in trade, rising tariffs and the potential that China finds new markets for these products would be devastating to Iowa and farmers throughout rural America who depend on access to the Chinese market for their products.

Farmers and agribusinesses are not alone. The automotive and machinery industries also feel the effects of strained relations between the United States and China. For years, China has engaged in unfair trade practices and the United States must stand up for American interests.

President Trump and his administration have taken a hard line on trade with China. They are working to balance trade inequalities, and I support their efforts.



IOWA STATE DAILY
Sen. Chuck Grassley speaks during the Roast and Ride fundraiser on June 3 in Boone, Iowa.

For too long, China has aggressively pursued practices that undermine American ownership, innovation and entrepreneurship. It also isn't playing by the rules of the World Trade Organization (WTO).

China has the second largest economy in the world with \$13 trillion GDP and is an influential player in the development of the global economy. Yet, it still declares itself a developing nation and therefore receives more leniency from the WTO. At the same time, China is systematically buying up American assets and issuing predatory loans to actual developing nations.

I voted to approve China's seat at the table to join the WTO. Its inclusion opened market access to the world's most populous nation. But it is long past time for China to keep its commitments and follow the rule of law. That includes not only fair trade practices but also respecting intellectual property.

China conducts and supports cyber intrusions and other forms of economic espionage against American companies. The IP Commission estimates that the cost to the U.S. economy from counterfeit goods, pirated software and the theft of trade secrets could be as high as \$600 billion annually.

China's pursuit of U.S. technologies can't be

underestimated. It must be called out for its programs and practices that exploit America's free market system and steal American ideas and innovation through coercion and outright theft. If we allow this to continue, U.S. businesses will be at a competitive disadvantage, threatening America's long-term prosperity, economic growth and job creation.

On a congressional delegation trip to China earlier this year, I saw with my own eyes the economic development of this world power. It is home to four the world's 10 biggest internet companies measured by market capitalization. This "developing" nation is outpacing the United States in the 5G race. Nearly half of China's students are studying engineering compared to the United States, where only approximately 6 percent of students pursue engineering degrees.

China's next generation is acquiring the knowledge and skills necessary to overtake America's spot as the global economic leader and it will happen faster than we realize if we do nothing to stop it.

Given that it remains a dictatorial regime that is daily revealing its aspirations to influence and control other nations around the globe, we should not be complacent about what that means for freedom around the world.

President Trump, U.S. Trade Representative Robert Lighthizer, U.S. Ambassador to China Terry Branstad and so many others are taking aggressive steps to right the wrongs perpetrated by China against the United States and put our nation back on an even playing field.

Congress is pursuing legislative solutions and reforms to make it harder for China to engage in unfair and illegal practices. This will be achieved through higher scrutiny of the EB-5 Investor visa program and the United States Foreign Investment Review Act, which would require increased review of proposed foreign investments and their potential impact on the U.S. economy.

These are important steps forward, but it's critical we don't let off the gas pedal. America must continue showing a strong, united front against China's egregious efforts to lie, steal and cheat its way to being the world's economic leader. Otherwise, the United States is sure to fall behind.

EDITORIAL

Be respectful during Halloween with your costumes

Halloween is coming up this Wednesday, and it's time to have a discussion about costumes.

There have been multiple controversies sparked by this issue — numerous celebrities have apologized for costumes that were seen as inappropriate, an Iowa teacher is being investigated by her school district for wearing blackface to a Halloween party, and costumes depicting cultural appropriation and misrepresentation are still widely common.

Take for example the controversy at Yale College a few years ago. On Oct. 28, 2015, the university's Intercultural Affairs Committee sent an email encouraging students to be wary of "culturally unaware and insensitive costumes."

A lecturer, Erika Christakis, then emailed her residents questioning the email, which was met by hundreds of upset students called for the resignation of the lecturer and her husband, Nicholas.

This is a difficult line, as the argument can be seen as two sided, especially in intellectual circles — is it a

First Amendment right to wear any Halloween costume you would like and is it censorship to restrict what people wear? Or, is it just encouraging a culture that protects marginalized identities by not appropriating their culture for the sake of a costume?

So, should you encounter this on Halloween this year, here are a few recommended steps to use the chance as an educational opportunity as to why that particular costume may be damaging.

If you find a costume that someone is wearing offensive, do not immediately shout at them or insult them. Approach them and speak with them — ask them why they wore their costume and try to help them understand why you see it as offensive.

This is particularly important if you are an ally of the community as to relieve the burden of already marginalized communities to have to educate someone appropriating their culture.

We advise this because insults are not well known to change someone's views.

Fear and pressure may change

those views, but in the long run they will only foster hatred and resentment. The only way to permanently change a person's viewpoint is to have a mature, good faith dialogue with them. Persuasion is the best weapon in your arsenal.

Expecting someone to validate and accept your subjective feelings without discussion may only lead to resentment and foster of hate, rather than them seeing your point of view.

That being said, there is a line and costumes should be selected in a mature and thoughtful manner. Things like blackface will never be acceptable.

As Erika Christakis stated in her email, "there is a difference between fantasizing about an individual character vs. appropriating a culture, wholesale, the latter of which could be seen as hurtful."

Do not use this holiday as an excuse to dress and act in an offensive and inappropriate manner.

If you expect people to treat you respectfully, it is a disservice to them to act irresponsibly yourself.

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Send your letters to letters@iowastatedaily.com. Letters must include the name(s), phone number(s), majors and/or group affiliation(s) and year in school of the author(s). Phone numbers and addresses will not be published.

Online feedback may be used if first name and last name, major and year in school are included in the post. Feedback posted online is eligible for print in the Iowa State Daily.

Double trouble: Cyclones lose two



SARAH HENRY/ IOWA STATE DAILY

Quarterback Zeb Noland passes to Sam Seonbuchner during their game against Akron on Sept. 22 at Jack Trice Stadium.

BY AARON.MARNER
@iowastatedaily.com

Following Iowa State’s 40-31 win over Texas Tech on Saturday, Iowa State coach Matt Campbell spoke with the media during the weekly Big 12 coaches teleconference Monday.

Uwazurike out after surgery

The Cyclones have mostly stayed healthy this year, facing injuries to running back David Montgomery and quarterback Kyle Kempt but avoiding serious setbacks to most starters.

That changed this week.

Redshirt sophomore defensive end Enyi Uwazurike will be sidelined for about eight weeks, Campbell said. Uwazurike missed most of the game against Texas Tech after injuring his hamstring. Surgery will be required, Campbell said.

An eight-week recovery window would mean Uwazurike could return for a potential bowl game. To qualify for a bowl,

the Cyclones will need to win at least two more games in their final five.

Uwazurike emerged this season as a good complementary piece to Ray Lima and JaQuan Bailey. In seven games this year, Uwazurike notched 23 tackles (five tackles for loss) and a sack.

Redshirt junior defensive end Matt Leo stepped in for Uwazurike against the Red Raiders and finished with two tackles. Leo has six total tackles and one sack on the season.

Special teams still lacking

Iowa State’s special teams fell apart against Texas Tech with a blocked punt recovered for a touchdown and a missed field goal. Campbell took the blame after the win, saying it started with him. He doubled down on that Monday.

“It’s an area for us that, over the last couple of weeks, we’ve got to get better,” Campbell said. “It’s a matter of whether it’s simplifying what we’re doing schematically or getting our kids in the best position possible. We’ve got some really talented

players and our kids invest.”

Campbell also addressed concerns over punt returns. Against Texas Tech, the Cyclones were pinned inside the 11-yard line five times, including one time at the 4-yard line.

“It’s fluid,” Campbell said. “Every game’s different, and certainly every situation’s different.”

Tarique Milton was the returner on those plays, when he opted to wave for a fair catch rather than let the ball bounce. Letting the ball bounce could have resulted in a touchback, giving the Cyclones the ball at their own 20-yard line, or it could be downed wherever the ball is touched or rolls to a stop.

The risk/reward calculation can be tough on the fly. Milton said on Saturday he is told to let the ball bounce if it goes over his head inside the 10-yard line.

Quarterback situation still in flux

The Cyclones announced Saturday that redshirt sophomore Zeb Noland, who started four games at quarterback this year, took a personal leave of absence from the team prior to the game against Texas Tech.

Campbell declined to comment further on Noland’s situation Monday. Following the teleconference, the school announced Noland would transfer.

“I feel really good about [the quarterback room],” Campbell said. “Especially when you have a young guy [freshman Brock Purdy] that we’ve got that’s playing, it makes you feel really good about it.

“I think from our end we feel really confident in everybody that’s in that room now and certainly what the future looks like there.”

Noland completed 70 of his 110 pass attempts this year for 722 yards, four touchdowns and an interception.

The rest of the room after this season will be young. Looking at next year, Purdy would be the most experienced as a sophomore, followed by Re-al Mitchell as either a redshirt freshman or a sophomore and Devon Moore as a redshirt sophomore. The Cyclones have one quarterback (Easton Dean) currently committed in their 2019 recruiting class.

Rodeo club spawns long-lasting relationships

BY ELYSE.OGBOURNE
@iowastatedaily.com

Athletes from across the Great Plains came to compete in the annual Cyclone Stampede Rodeo two weeks ago.

Iowa State’s rodeo has been taking place for 55 years and continues to draw alumni back year after year.

“There are quite a few alumni that help behind the scenes,” said Marty Barnes, a 1984 graduate, who returns to announce the rodeo. “Everyone wants to stay involved because of the heritage of the event.”

The Cyclone Stampede is known for having one of the best rodeo facilities in the Great Plains region. It is also the last student-run rodeo in the nation.

“Our infrastructure is students only,” said Darren DuBois, a past Iowa State student. “The students who are in the club and [in the Cyclone Stampede Rodeo] put this on.”

Not only does the Iowa State rodeo club continue to host a competitive rodeo every year, but it has also produced several well-known professional bullfighters.

Luke Moore, one of the professional bullfighters who returns to help with the Cyclone Stampede Rodeo, has been selected to be the bullfighter at the Great Lake Circuit Finals in Louisville, Kentucky, in November.

Whether professional or volunteer, student or alumni, everyone seems to enjoy being part of the rodeo.

“Everyone in rodeo seems to click,” Moore said. Moore is an Iowa State alum who first became involved with the Iowa State rodeo club in 2008. “They are very accepting of other people that want to come into this sport and be part of the family.”



Courtesy of TFC Photography, Tim Fuchs Malachi Schroeder rides in a competition and will be riding for the Iowa State Rodeo Club.

Rodeo professionals often travel rodeo to rodeo on the weekends for four months out of the year. As they work at different rodeos, they encounter the same professionals and grow to rely upon one another for both the entertainment side and the safety side of the rodeo.

“You become family,” Moore said. “You hang out together and you also work together. You almost have to get along sometimes too because you are stuck together no matter what.”

Rodeo contestants cheer each other on as they compete in their events.

“It’s man against animal first,” Barnes said. “[Most] contestants root for their fellow contestants against the animal.”

The competitors fight to stay on bucking horses and raging bulls. While they compare themselves to other contenders, their main adversary in the arena is the animal that they face.

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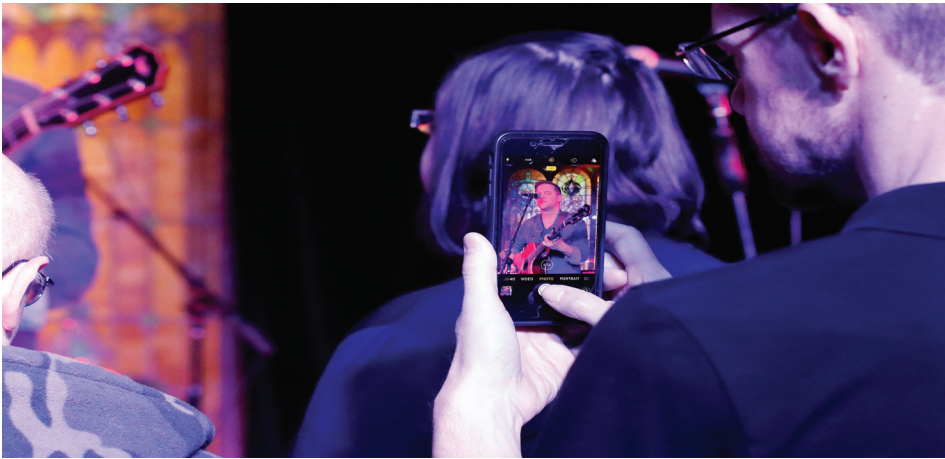
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David Cook plays the M-Shop



GILLIAN HOLTE/ IOWA STATE DAILY
Tyler Boone opened for David Cook Sunday in the M-Shop in the Memorial Union.



GILLIAN HOLTE/ IOWA STATE DAILY
David Cook played the M-Shop on Sunday. He broke out after winning American Idol season seven.



GILLIAN HOLTE/ IOWA STATE DAILY
David Cook played in the Maintenance Shop in the Memorial Union on Oct. 28. He was accompanied by Jeffrey B. Scott on guitar and keyboard.



GILLIAN HOLTE/ IOWA STATE DAILY
David Cook played in the Maintenance Shop in the Memorial Union on Oct. 28. He was accompanied by Serge Lysak on the drums.

Jethro's BBQ

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